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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,262	11/20/2001	Gianluigi Gamberini	377/9-1617	9574

7590

12/01/2003

William J. Sapone, Esq.
Coleman Sudol Supone
714 Colorado Avenue
Bridgeport, CT 06605-1601

EXAMINER

HARMON, CHRISTOPHER R

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,262

Applicant(s)

GAMBERINI, GIANLUIGI

Examiner

Christopher R Harmon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8 and 10-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-8 and 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordstrom (US 5,038,549) in view of Furuya et al. (US 4,313,290) in further view of Nordstrom (US 4,624,096).

Nordstrom discloses a unit for transferring groups of rolls to be wrapped within a film 82, from an intermediate station to subsequent stations, including means for feeding said intermediate station with groups of rolls, partially wrapped with a film so that longitudinal edges of the film are overlapped, said intermediate station being defined by: first horizontal means 50 supporting an ensemble formed by the group and the film 82; third vertical means 92 for constraining said ensemble laterally; pusher means 92 (opposite side) operated when said ensemble is located in said intermediate station, so as to cause said third means to strike laterally said ensemble and to convey it toward the outlet of said intermediate station; at least one first conveyor 90; one horizontal active run of said first conveyor 90 coplanar with said first supporting means and situated after said outlet of said intermediate station, said horizontal active run being operated in time relation with said pusher means and with speed correlated with the speed of said pusher means 92; said active run being aimed at receiving said

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ensemble, pushed out from said intermediate station by said pusher means, and sending said ensemble toward subsequent stations. Gripping means 92 operate on an upper conveyor 99 and conveyor 90 operate upon a timed cam system so they are operated continuously and in a stepped fashion.

Nordstrom does not disclose a second horizontal stop means situated above said first supporting means for constraining said ensemble supported by said first supporting means, however Furuya et al. teach a similar bottom loading packaging device with lower 3 and upper 7' supporting means with active runs. The distance is adjustable between the two; see figure 3. It would have been obvious to one of ordinary skill in the art to use the upper supporting means of Furuya et al. in the invention to Nordstrom in order to assist in supporting the package and holding the film in a desired position.

Nordstrom '549 does not disclose third and fourth conveyors on opposite sides of the package, however Nordstrom '096 teaches a packaging apparatus with side belt conveyors 146 (figures 9 and 26) working in conjunction with upper and lower conveyors for assisting in the transport of a package during the wrapping procedure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the side belt conveyors of Nordstrom '096 in the modified invention to Nordstrom '549 in order to convey the package in a desired manner.

Regarding claims 13-14, the active run of the upper most conveyor comprises two side by side endless belts; see figure 1. It is not determinable whether the lower conveyor comprises one belt or a plurality, however the examiner takes OFFICIAL NOTICE that at the time the invention was made, it would have been an obvious matter

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of design choice to a person of ordinary skill in the art to separate one conveyor belt into two side by side belts because Applicant has not disclosed that a plurality of belts provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with one belt because it performs the same function of transferring the package.

Furthermore, note that it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Response to Arguments

3. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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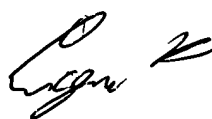
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Harmon whose telephone number is 703-308-8643. The examiner can normally be reached on Monday-Thursday from 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ch



EUGENE KIM
PRIMARY EXAMINER